



Ohio Department of Commerce Medical Marijuana Control Program

MMCP Guidance – THC Definition Rule Update (Effective May 2, 2022)

The Medical Marijuana Control Program (MMCP), pursuant to authority in Ohio Revised Code/Ohio Administrative Code 3796, is providing the following guidance on the recent Administrative Rule update to include a definition of “THC” and update the definition of “THC Content” in Ohio Admin. Code 3796:1-1-01. The updated definitions are as follows:

- **Ohio Admin. Code 3796:1-1-01(A)(49):** "Tetrahydrocannabinol" or "THC" means all naturally or artificially derived tetrahydrocannabinols, or any structural, optical or geometric isomers or analogs of tetrahydrocannabinols. This includes, but is not limited to, Delta-1 tetrahydrocannabinol; Delta-6 tetrahydrocannabinol; Delta 3,4 tetrahydrocannabinol; Delta-8 tetrahydrocannabinol; Delta-9 tetrahydrocannabinol; Delta-10 tetrahydrocannabinol, and any other artificially derived cannabinoid that the Department determines to have an intoxicating or psychoactive effect.
- **Ohio Admin. Code 3796:1-1-01(A)(50):** "Tetrahydrocannabinol content" or "THC content" means the sum of the amount of the detectable tetrahydrocannabinol (THC) and 87.7 per cent of the detectable amount of tetrahydrocannabinolic acid (THCA) present in the product or plant material.

These Ohio Administrative Code updates will go into effect May 2, 2022; any medical marijuana that passed final testing (as recorded in Metrc) prior to May 2, 2022, may proceed to sale to patients and will not be sanctioned for non-compliance with the new THC content rule update.

Effective May 2, 2022, the Department of Commerce (Department) is requiring the following THC isomers and analogs be included in the total THC content calculation:

- Delta-9 THC,
- Delta-9 THCA,
- Delta-8 THC, and
- THCV.

The Department is currently working with MMCP testing laboratories on validation of other THC isomers and analogs, including but not limited to Delta-10 THC, and will communicate to licensees any additional THC isomers and analogs subject to this rule update and compliance requirements.



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Updated Compliance Requirements Effective May 2, 2022:

Updated Compliance Requirements				
Isomer/Analog	Testing	Laboratory Reporting	Labeling	Included in Total THC Content
Delta-9 THC	✓	✓	✓	✓
Delta-9 THCA	✓	✓	✓	✓
Delta-8 THC	✓	✓	✓	✓
THCv	✓	✓	✓	✓
CBDA	✓	✓	✓	n/a
CBD	✓	✓	✓	n/a
CBN	✓	✓	n/a	n/a

Testing and Laboratory Reporting

In addition to Delta-9 THC and Delta-9 THCA, testing laboratories must test and report into Metrc the results for Delta-8 THC and THCv and include those results in the calculation of total THC content.

Packaging and Labeling

In addition to Delta-9 THC and Delta-9 THCA, the total THC content, Delta-8 THC and THCv content are to be included as additional line items on the label. Licensees must ensure Delta-8 THC and THCv are included on all medical marijuana package labels even if the laboratory testing results indicate that the medical marijuana contains no Delta-8 THC or THCv. Furthermore, licensees are precluded from utilizing abbreviations on labels. Abbreviations such as “Delta-8” or “D-8” are not permitted. Please refer to the [“Standardized Label Template”](#) for more information.

THC Content

Delta-9 THC, Delta-9 THCA, Delta-8 THC, and THCv must be included in the calculation of THC content. Pursuant to R.C. 3796.06(D), the total content of THC, including Delta-8 THC, Delta-9 THC, THCv, and 87.7 percent of the amount of Delta-9 THCA, shall not exceed 35 percent for plant material or 70 percent for manufactured products. Please refer to the Board of Pharmacy’s [“Allowable THC & CBD Range Examples”](#) for more information.



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Examples

- **Formula for Plant Material**
 - $\% \text{ Delta-9 THC} + \% \text{ Delta-8 THC} + \% \text{ THCV} + (0.877 \times \% \text{ Delta-9 THCA}) = \text{Total THC}$
- **Example for Plant Material**
 - $0.20\% \text{ Delta-9 THC} + 0.11\% \text{ Delta-8 THC} + 2.00\% \text{ THCV} + (0.877 \times 22.70\% \text{ Delta-9 THCA}) = 22.22\% \text{ Total THC}$
- **Formula for Processed Products**
 - $\text{Total mg Delta-9 THC} + \text{Total mg Delta-8 THC} + \text{Total mg THCV} + (0.877 \times \text{Total mg Delta-9 THCA}) = \text{Total THC}$
- **Example for Processed Products**
 - $587.2\text{mg Delta-9 THC} + 3.5\text{mg Delta-8 THC} + 4.6\text{mg THCV} + (0.877 \times 8.4\text{mg Delta-9 THCA}) = 602.7\text{mg Total THC}$

Product ID Registration

All required isomers and analogs (i.e. Delta-9 THC, Delta-8 THC, THCV, and 87.7 percent of Delta-9 THCA) must be included in the THC content calculation submitted to the Board of Pharmacy for Product ID registration. Please see the Board of Pharmacy's "[Product ID Submissions Guidance Document](#)" for more information.

Recordkeeping Requirements

Licensees must maintain all supply chain records relevant to the ingredients used during medical marijuana production. This includes records of purchases and production of Delta-8 THC, CBD, THCV, or any other ingredient used in the production of marijuana as required by Chapter 3796 of the Ohio Revised Code and Ohio Administrative Code.



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Ohio Statutory and Administrative Authority

- Ohio Revised Code 3796.03(C): permits the Department to establish any rules it deems necessary for the ongoing administration of the medical marijuana control program.
- Ohio Administrative Code 3796:5-6-01 and 5-6-02 permit the Department to enforce the rules and regulations established under Chapter 3796 of the Ohio Administrative Code.
- Ohio Administrative Code 3796:2-2-01 and 3-2-01 mandate that licensees establish and maintain certain policies and procedures within their standard operating procedure that ensure compliance with the rules for production, storage, inventory, and transportation of medical marijuana.
- Ohio Administrative Code 3796:2-2-02 outlines all requirements for cultivator and plant-only processor packaging and labeling.
- Ohio Administrative Code 3796: 3-2-02 outlines all requirements for processor packaging and labeling.